IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 10263 of 2004

Between:
K. Sudhakar S/o. K. Veladeri,
Mehdipatnam, Hyd R/o. Post & Village of Vatti Khammam
Pahad, Chivvemla Mandal, Suryapet, Nalgonda District.

..... PETITIONER

AND

DEPOT MANAGER, APSRTC, MEHDIPATNAM DEPOT,
HYDERABAD.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing proceedings No. PA/95(73) /2003-M.P.Dt. 2.4.2004 of deletion of the petitioner's name from the selected panel without aletaining prior permission from the selection committee and without issuing charge-sheet without conducting either preliminary or domestic enqui9ry without conducting prima-facie enquiry without calling the TTIS and TTIS witness to provide opportunity to cross examine them to prove the4 petitioner was not guilty, further without assessing the merits of such persons who had informed in the night from the running bus to Regional Office that the driver issued tickets to passengers on his constant persuasion else there has been no persuasion by the passengers and not informed the matter to regional office over all phone, the driver would have pocketed the amount depriving the corporation of its legitimate revenue on the base of the said so called passenger's complaint on call phone without detecting any irregularities of cash and ticket deleting name from the selected list is as illegal, unjust, contrary to law and violation of principles of natural justice by granting all consequential benefits, considering the petitioners services from 2001 as casual driver, performing with a hope to provide food and shelter to the petitioners old age parents and to perform the marriage of the petitioners sister, but the petitioner's services deleted without providing opportunity to defend the petitioner, and set aside the proceedings No. PA/95(73)/2003 -

M.P. Dt. 2.4.2004 of the respondent.

Counsel for the Petitioner:MR.MOHD.GHOUSEUDDIN

Counsel for the Respondent No.: MR.K.HARINATH

SC for APSRTC.

The Court Made the Following :

O r d e r:

Heard both sides. At the request of the learned counsel appearing on both sides, the main writ petition, itself, is heard and disposed of.

The petitioner was engaged as a casual driver in the year 2001. For certain cash irregularities that took place on 9-12-2003 a show cause notice was issued to the petitioner, for which the petitioner submitted an explanation. Thereafter, the respondent by proceedings No.PA/95(73)/2003-MP, dated: 2-4-2004 deleted the name of the petitioner from the approved list/select list. Questioning the same the present writ petition is filed.

Learned counsel for the petitioner contended that without following the principles of natural Justice and without conducting any inquiry the name of the petitioner was deleted from the approved list/select list. Therefore, he prays to set aside the impugned order.

On the other hand, the learned Standing counsel for the respondent contended that the petitioner is a daily wage worker and therefore, the service Regulations of the Corporation do not contemplate for holding any inquiry and requested that the writ petition may be dismissed.

Admittedly, after the petitioner submitting the explanation to the

show cause notice, the impugned proceedings have been passed without conducting any inquiry. In similar circumstances this court in *A. Hemalatha vs. APSRTC*[1], *held:*

> *"Therefore, it was imperative for the respondents to conduct an inquiry. It is also contended by the learned counsel for the respondents that the Corporation Rules do not contemplate an inquiry with respect to daily wageworkers. That might be so, but it is against the rules of natural justice to punish a person by creating a stigma for her, which would hurt her through out her life, without even conducting an enquiry. Since inquiry has not been conducted and an order has been passed which creates a stigma, therefore, the order cannot sustain."*

Therefore, in view of the above decision, the impugned proceedings have to be set aside.

In the result the writ petition is allowed and the proceedings No.PA/95(73)/2003-MP dated:2-4-2004 issued by the respondent are set aside. However, it is made clear that this order will not preclude the respondents from taking disciplinary action, if any, against the petitioner as per law. In the circumstances no costs.

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K.C. BHANU, J.

23—6--2004
BVS

To
1. DEPOT MANAGER, APSRTC, MEHDIPATNAM DEPOT,
HYDERABAD.
2.2CD copies.

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[1] W.P.NO.401/2000 dt.22-6-2000.